December 30, 1971

Editor
The Philadelphia Inquirer
400 N. Broad St.
Phila. 19101

Dear Sir:

The editorial appearing today, "Mr. Mitchell Turns Prophet," agrees with the Attorney General's "prediction" that the recent Supreme Court appointees William Rehnquist and Lewis Powell will vote in an "eminently unpredictable" manner, stating that "nothing" has emerged to indicate otherwise.

This is hardly a fair representation of the news nor a well-based opinion. When Mr. Mitchell made the quoted remark, he prefaced it by saying that Mr. Nixon would not have appointed those two men if he did not know how they would vote: "President Nixon has no such illusions about his Supreme Court appointees....He chose men whom he believed shared with him a conservative judicial philosophy." The Inquirer reported this in its Dec. 22 issue. Furthermore, all the evidence demonstrates that it is very predictable just how Mr. Rehnquist and Mr. Powell will vote. Mr. Powell is on record as supporting government wiretaps and other measures currently advocated by the Nixon administration. And Mr. Rehnquist as a Supreme Court Justice will now have the extraordinary opportunity to pass judgement on the very laws which he devised as an employee of the Justice Department.

"Stacking the court" is a political device used by many Presidents, of which Nixon is no exception. However, in his case, he has sought out men who, like himself, wish to institute a legal framework which will rob American citizens of their basic, constitutionally guaranteed rights.

Sincerely,

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